

November 12, 1998

Re: Call-in Technical Inquiry 0399 – Stormwater Pollution Prevention Program - Compliance Obligations

Dear NEPA User:

This letter is in response to your September 9, 1998 request for NEPA Call-In to determine GSA's regulatory requirements for Stormwater Pollution Prevention (SWPP). You stated GSA has agreed to participate in an Environmental Protection Agency (EPA) program titled, "Special Strategy for Federal Lands in the District of Columbia," which is part of the Chesapeake Bay Program and Anacostia Ecosystem Initiative. The voluntary agreement calls for improved control of stormwater runoff on all Federal Lands in the District of Columbia. As a first step in implementing this program, you would like to know GSA's SWPP compliance obligations for the District of Columbia. Since you anticipate this program may expand to Federal facilities along the Rock Creek and Anacostia Watersheds in the State of Maryland, you would also like to know GSA's SWPP compliance obligations for the State of Maryland.

## SUMMARY OF FINDINGS

GSA's SWPP compliance obligations are achieved by operating facilities in accordance with the conditions of permits that are issued under the National Pollutant Discharge Elimination System (NPDES). The NPDES is a component of the Clean Water Act (CWA). EPA delegates the authority for NPDES permitting to states that have EPA-approved programs. Since the District of Columbia has not been delegated authority for NPDES permitting, permits for the District of Columbia are issued by EPA Region 3. The State of Maryland has an EPA-approved NPDES program operated by the Maryland Department of the Environment (MDE). There are at least 19 permits regulating various types of stormwater discharge for the State of Maryland. These permits are combined Federal and State permits. NEPA Call-In's detailed findings are provided below.

## DETAILED FINDINGS

NEPA Call-In first reviewed "Special Tributary Strategy for Federal Lands in the District of Columbia," Federal Agencies Committee of the Chesapeake Bay Program, EPA, March 1996. Appendix B of this document outlines the NPDES program for permitting stormwater discharges in the District of Columbia. According to Appendix B, any facility that discharges stormwater associated with an industrial activity as defined by Title 40 Code of Federal Regulations (CFR) Part 122.26(b)(14) must submit a Notice of Intent (NOI) to EPA to be covered by a general permit. Currently, EPA issues four different types of general permits for facilities in the District of Columbia: 1) the Baseline Industrial, 2) Baseline Construction, 3) Baseline Multi-Sector, and 4) Multi-Sector Separate Storm Sewer (MS-4).

A component of the NOI to comply with one of these permits is the Stormwater Pollution Prevention Plan. For Multi-Sector permits, such a plan must contain information on proposed reductions in nutrient and pesticide loadings in accordance with the Chesapeake Bay Program's restoration goals. According to Appendix B, the burden is on each individual facility to determine if there is an activity at the facility that meets the definition "industrial," and would therefore require a NPDES permit. Appendix B further stated that most Federal facilities will probably need to comply with the requirements of one of the permits. The EPA point of contact for NPDES permits for the District of Columbia is Ms. Mary

Office of Wastewater Management, EPA Region 3, (215) 814-2087.

We then searched the World Wide Web for information on the State of Maryland's NPDES program. We reviewed the MDE home page and determined that MDE maintains at least 19 different permits for discharging water in the state. One permit pertains to Federal construction projects of at least five acres of disturbed area and at least seven permits pertain to general stormwater discharge. Descriptions and summaries of each permit, instructions for downloading permits, and a contact name and phone number for each permit can be found at the following internet address:  
[www.mde.state.md.us/permit/wma/index.html](http://www.mde.state.md.us/permit/wma/index.html).

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Sincerely,

(Original Signed)

NEPA Call-In Researcher